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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/764,438

01/27/2004

Kenji Shiraishi

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04/03/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PETERSON, CHRISTOPHER K

ART UNIT

PAPER NUMBER

2622

NOTIFICATION DATE

DELIVERY MODE

04/03/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

| | | | |
|------------------------------|--|---|--|
| Office Action Summary | Application No. 10/764,438 | Applicant(s) SHIRAISHI ET AL. | |
| | Examiner CHRISTOPHER K. PETERSON | Art Unit 2622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 2,4,6,8,10 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 16 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

9DETAILED ACTION

Response to Amendment

1. The Amendment After Non-Final Rejection filed on December 20, 2007 has been received and made of record. Examiner notes that the Applicant has amended the Title, Abstract, Figure 2, and Claims 1 and 9. Therefore the Examiner withdraws the objection to the specification and drawings and the rejections under 35 USC 101 and 35 USC 112. Claim 13 has been cancelled and claims 1, 5, and 9 are amended. Claims 1, 2, 4 - 6, 8 - 10, 12 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 5, and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 2, 4, 6, 8, 10, and 12 are objected to because of the following informalities:

Claims 2, 4, 6, 8, 10, and 12 recite the limitation "said image pick up device control part". There is insufficient antecedent basis for this limitation in the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 2, 4 - 6, 8 - 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakakuki (US Patent # 6,822,689).

As to claim 1, Nakakuki (Fig. 1) teaches an imaging apparatus comprising:

- a setup part (timing control circuit 3) for an exposure period (D) configured to generate a timing signal (VD HD and ST) which prescribes an exposure period of an image pick up device (CCD 1) (Col. 3, line 53 – Col. 4, line 4);
- a control part (integration circuit 11, exposure determination circuit 12, up-down counter 13, and timing calculation circuit 14) for the image pickup device (1) configured to control an operation of said image pick up device (1) in synchronization with said timing signal (VD signal) of the exposure period (Col. 4, lines 5 – 35);
- a timing part (counter 17) configured to measure an elapsed time from the timing signal of the exposure period (Col. 4, line 54 – Col. 5, line 9);
- an imaging apparatus control part (selection circuit 15) configured to control said control part (11, 12, 13, and 14) for the image pick up device (1) and said setup part (3) for the exposure period (Col. 4, line 54 – Col. 5, line 9),

- wherein said timing part (17) measures an elapsed time from the exposure period timing signal (VD signal) right before a beginning of an exposure setup operation (response to activation of the imaging apparatus) to the beginning of the exposure setup operation by said setup part (3) for the exposure period (D), and when a time from the beginning of the exposure setup operation (response to activation of the imaging apparatus) to a generation of a next exposure period timing signal, the time being calculated by using the measured elapsed time (SC from counter 17), is equal to or greater than a predetermined time, said imaging apparatus control part (15) shortens the time till the generation of the next exposure period timing signal from a regular exposure period (Col. 4, line 54 – Col. 5, line 9).

Nakakuki teaches the counter may be reset in response to a trigger supplied in response to a switch which is operated by an operator of the imaging apparatus (Col. 5, lines 23 – 26). Examiner believes the trigger is an image capture button. This trigger resets the counter (17), which provides a signal (SC) to the selection circuit (15). The signal (SC) changes state after a predetermined value. The selection circuit (15) uses the signal (D2) from the timing calculation circuit (14) until the predetermined value; the signal (D1) from up/down counter is used. The value is latched in the latch (16). The exposure information signal (D) is input into the timing control circuit (3) (Col. 4, line 54 – Col. 5, line 9).

As to claim 2, Nakakuki teaches the imaging apparatus according to claim 1, wherein said predetermined time is a time required for conducting the exposure setup to said control part (11, 12, 13, and 14) for the image pick up device (1) (Col. 4, line 54 – Col. 5, line 9).

As to claim 4 Nakakuki teaches the imaging apparatus according to claim 1, wherein in order to shorten the time till the generation of the exposure period timing (D1), the exposure period timing signal is generated earlier than the regular exposure period (D2), right after the exposure setup to said control part (11, 12, 13, and 14) for the image pick up device (1), and the exposure period is thereby begun (Col. 4, line 54 – Col. 5, line 9).

As to claims 5, 6, and 8, these claims differ from claim 1, 2, and 4 only in that claims 1, 2, and 4 are apparatus claims whereas claim 5, 6, and 8 are method. Thus method claims 5, 6, and 8 are analyzed as previously discussed with respect to claims 1, 2, and 4 above.

As to claims 9, 10, and 12, these claims differ from claim 1, 2, and 4 only in that claims 1, 2, and 4 are apparatus claims whereas claims 9, 10, and 12 cite a limitation of a control program on a computer readable memory which provides the imaging apparatus the ability to provide the function of the claims 1, 2, and 4. Nakakuki teaches a solid state imaging apparatus, which requires a processor to perform the functions of the CCD. (Col. 3, lines 49 – 52).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHRISTOPHER K. PETERSON** whose telephone number is (571)270-1704. The examiner can normally be reached on Monday - Friday 6:30 - 4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CKP/TH
19 March 2008

***/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622***